

# Exhibit J

# Communicating and active listening:

An Overview of What Active Listening is and How to  
Use it for Cleveland Police Officers

# Our purpose



# Case Law



# Case Law

Case Law Has Been Established Stating That Officers  
**MUST** Consider the Subject's Mental Health When  
Using Force.

# Griffith v. Coburn

It cannot be forgotten that the police were confronting an individual whom they knew to be mentally ill . . . even though the Officers may not have known the full extent of his autism and his unresponsiveness.

# Griffith v. Coburn

The diminished capacity of an unarmed detainee must be taken into account when assessing the amount of force exerted.

# Deorle v. Rutherford

“Where it is or should be apparent to the officers that the individual involved is emotionally disturbed, that is a factor that must be considered in determining the reasonableness of the force employed”

# How do we normally gain information?

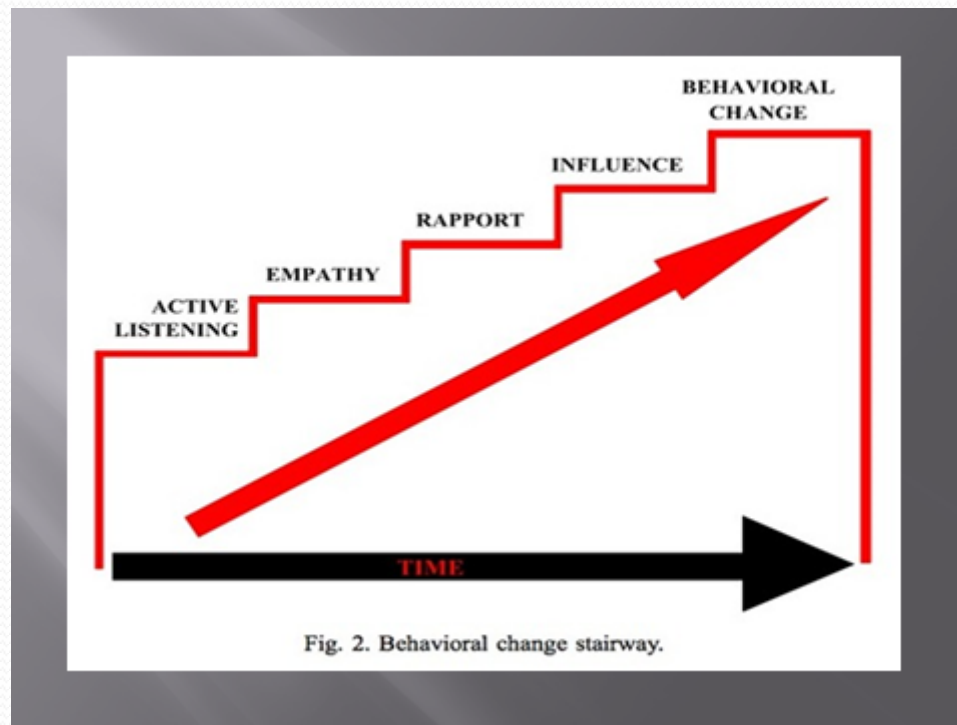
- Ask Questions
- Interview and Interrogation
- Investigations

# Characteristics of Traditional Law Enforcement Questioning

- Rapid Fact Finding
- Quick Problem Solving
- Intrusive
- Focus on the Officers Agenda
  - “Just the Facts”
  - Control

# Impact of Traditional Law Enforcement Questioning

- Diminishes Rapport
- Creates Pressure
- Can Provoke Defensiveness
- May Create Barriers



# Persuasion vs. Influence

- Persuasion is presenting a case in such a way as to sway the opinion of others, make people believe certain information, or motivate a decision.
- Influence is having a vision of the optimum outcome for a situation and then, without using force or coercion, motivating people to work together toward making the vision a reality.

# Persuasion vs. Influence

- Persuasion is More of a One Time Action
- Influence Lasts Longer and May Have Greater Positive Impact.
  - You Persuaded me to Enroll in College.
  - You Influenced me to Study Hard and Graduate.

# Build Rapport

- Rapport is a Close and Harmonious Relationship in Which the People or Groups Concerned Understand Each Other's Feelings or Ideas and Communicate Well.

# Build Rapport

- Building Rapport Creates Influence
  - Influence Can Cause a Change in a Person's Thoughts or Actions.

# Build Rapport

- How to Build Rapport
  - Use Active Listening Skills
  - Show Empathy

# Build Rapport

- Phrases That Damage Rapport
  - Calm Down
  - I Understand
  - Why ?
  - You Should / You Shouldn't

# Empathy

- Identifying and Understand Another Person's Situation, Feelings, and Motive.

# Empathy

- Does Not Mean You Feel the Same Way
- You Just Understand Their Feelings
- Helps Build Rapport and Influence

# 8 Active Listening Skills

- Emotional Labeling
- Paraphrasing
- Mirroring /Reflecting
- Summary
- Open Ended Questions
- Minimal Encouragers
- Effective Pauses
- “I” Messages

# Active Listening is NOT...

- Advice
  - Not Your Ideas
  - Let Subject Have Their Own Ideas

# Active Listening is NOT...

- Judgement
  - Not Your Values
  - You May Not Share the Same Values

# Active Listening is NOT...

- Persuasion

# Emotional Labeling

- State the Emotion That You Hear
  - You Sound
    - Sad
    - Angry
    - Depressed
    - Excited
    - Confused
    - Overwhelmed

# Emotional Labeling

- Subjects May Not Understand Their Emotions
- Some Subjects May Be Misleading With Their Emotions
  - Laughing When Sad or Angry
  - Crying When Happy or Excited

# Paraphrasing

- Put Meaning in Your Own Words
- Used for Brief Confirmations of Meaning
- Displays Attentiveness

# Paraphrasing

- Just Because You Paraphrase a Subject's Statement Does Not Mean You Agree With It.
- You Are Just Ensuring the Subject That You Are Listening.

# Paraphrasing

- Subject – “He Got All Up in My Face”
- Officer – “He Confronted You”

# Mirroring / Reflecting

- You Repeat the Last Few Words
  - Subject - “She Doesn’t Pay Attention and It Makes Me Angry”
  - Officer - “It Makes You Angry...”

# Mirroring / Reflecting

- Can Be Used To
  - Demonstrate Understanding
  - Encourage Subject to Keep Talking

# Summary

- Periodically Covering the Main Points
- Tell Back the Story in Your Own Words
  - “So, What You’ve Told Me So Far...”

# Open Ended Questions

- Questions that Require More Than a “Yes” or “No” Answer
  - “What Happened Today”
  - “How Would You Like This to Workout”

# Open Ended Questions

- Conveys a Sincere Interest in Gaining Understanding
- Gives a Freedom of Response While Framing the Scope
- Limits the Feeling of Being Interrogated

# Open Ended Questions

- Due to Altered State of Mind the Subject May Not Understand or Hear the Question When it is Asked.
- Sometimes the Question Will Need to be Repeated Numerous Times or Rephrased for Better Understanding.

# Minimal Encouragers

- Brief Responses or Sounds That Indicate You are Present and Listening
  - Uh-Huh
  - Yeah
  - OK
  - Nodding Your Head (If Face to Face)

# Minimal Encouragers

- Best Used When the Subject is
  - Talking Through an Extended Thought
  - Talking for an Extended Period of Time

# Effective Pauses

- Uses Immediately Before or After Saying Something Meaningful
- Helps Focus Thoughts

# Effective Pauses

- Helps Show the Subject the Conversation is a Turn Taking Process
  - Subject Will Better Understand That They Have a Time to Talk and a Time to Listen.
  - Helps Develop Structure to the Conversation.

# “I” Messages

- Used to Confront Uncooperative Behavior
- Used to Confront Without Being Accusatory

# “I” Messages

- “When You Do This ... I Feel This ...”
- “Because of This ... I Feel This ...”

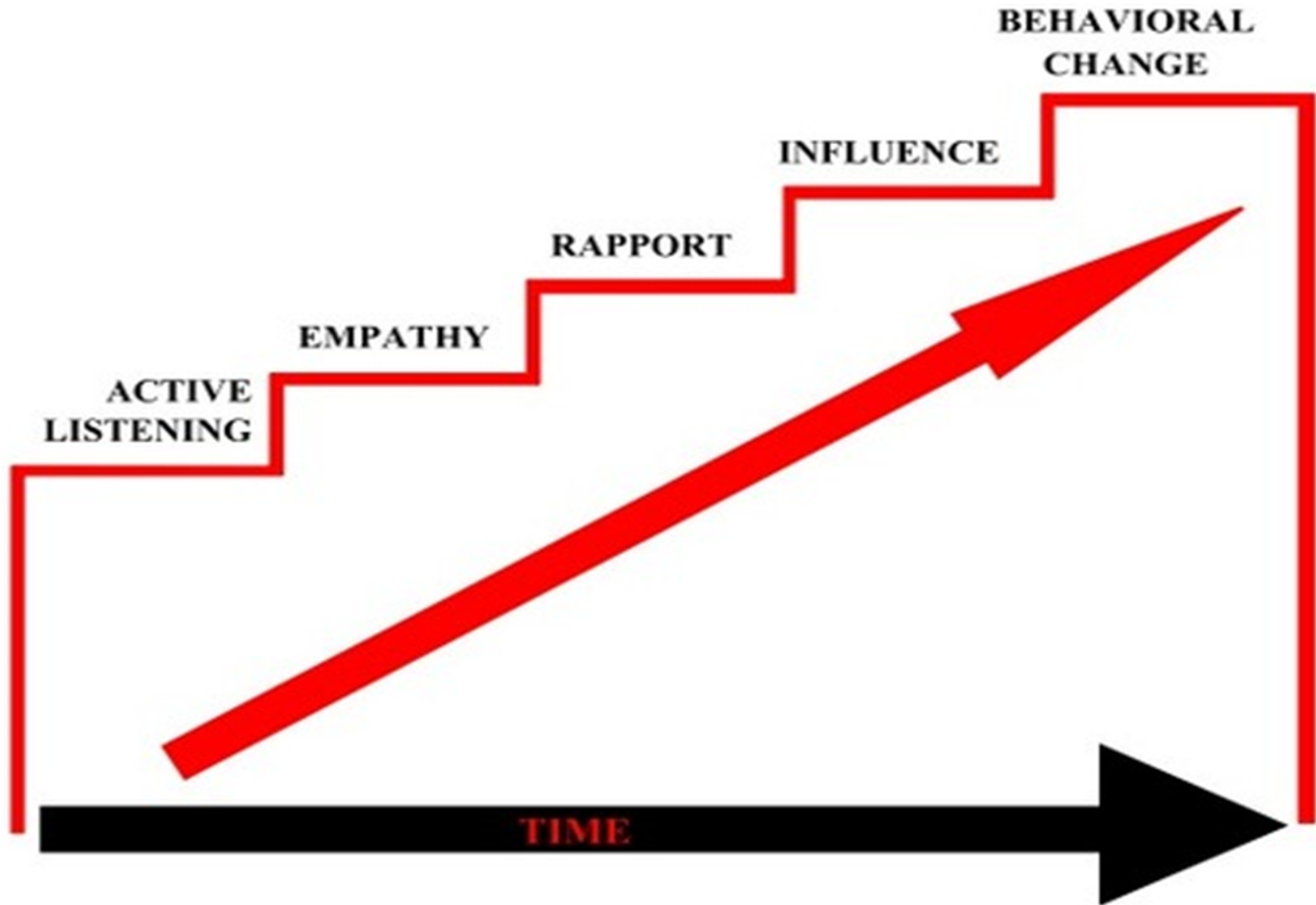


Fig. 2. Behavioral change stairway.

# Practice Test

# Practice Test Review

# TEST